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7 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

9 **IN RE CALIFORNIA WATERFIX**  
10 **CALIFORNIA DEPARTMENT OF**  
11 **WATER RESOURCES AND U.S.**  
12 **BUREAU OF RECLAMATION**  
13 **PETITION FOR CHANGES IN**  
14 **WATER RIGHTS, POINTS OF**  
15 **DIVERSION/RE-DIVERSION**

**PROTESTANT SAVE THE CALIFORNIA**  
**DELTA ALLIANCE, ET AL.'s WRITTEN**  
**TESTIMONY OF BILL WELLS**

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1 I, Bill Wells do hereby declare:

2 **I. Summary of Testimony: WaterFix is Highly Destructive to the Delta and There**  
3 **Are Much Better Alternatives. Don't Build It.**

4 The Delta cannot survive the WaterFix.

5 The California Department of Water Resources ("DWR") showed no concern for, or  
6 awareness of, the Delta as a recreational resource and place where people live and work. Much of  
7 the project is shaped by requirements imposed by the federal fish agencies, such as the location of  
8 facilities and the concentration of in-water work to the summer and fall months. This may protect  
9 the fish (it is hard to believe they can survive WaterFix either) but who will protect people? The fish  
10 agencies have fixed the construction season as June 1 to October 31. Shifting all of the heavy  
11 construction work to the summer months puts it in direct conflict with the boating season. For those  
12 of us in the recreation industry, 90% of our business is done in the summer season between May  
13 and October—just when the barges will be clogging our sloughs and the pile drivers will be  
14 hammering away at our sanity.

15 To us here in the Delta, California WaterFix is massive amounts of barge traffic (at least  
16 9400 barge trips), massive amounts of pile driving (over 23,000 piles with over 10,000,000 strikes  
17 from giant pile driving rigs), massive amounts of traffic on two lane Delta roadways (1,000%  
18 increases in car trips on formerly lonely roads), massive influxes of construction workers, massive  
19 amounts of tunnel muck dumped on Delta islands (30,000,000 cubic yards), and a commensurate  
20 massive negative impact on Delta recreation and those of us who make our living on the recreation  
21 industry in the Delta.

22 These massive impacts are not disputed: "The multi-year schedule and geographic scale of  
23 project-related construction activities and the anticipated incremental decline in recreational  
24 spending would be cumulatively considerable." (FEIR, p. 16-343.) Nor is it disputed that many of  
25 us here in the Delta will not survive the WaterFix economically: "recreation-dependent businesses  
26 including marinas and recreational supply retailers may not be able to economically weather the  
27 effects of multiyear construction activities and may be forced to close as a result."(FEIR, p.16-343.)  
28 In my opinion, at least 20% of our Delta marinas will be forced out of business by WaterFix. I do

1 not think DWR will disagree with this estimate. But DWR has done nothing to protect Delta  
2 recreation.

3 They have insisted on locating massive tunnel muck dumps on Delta islands. These dumps  
4 could be relocated outside the Delta to suitable dumping grounds (which our beautiful farmland is  
5 not!). They have insisted on locating the three massive intake structures right next to the small  
6 legacy communities of Clarksburg and Hood (and close to the National Historic District of Locke).  
7 (SCDA-70<sup>1</sup>; 71<sup>2</sup>; 73<sup>3</sup>.) There is no hydrological rationale or engineering necessity for picking this  
8 location. It happened to be convenient for DWR and our legacy communities, absurdly dwarfed by  
9 the adjacent massive construction works, must be destroyed as a result. They have insisted on  
10 locating their largest staging facility and muck dump on Bouldin Island, off of Highway 12,  
11 between two drawbridges that will be prone open by constant construction barge traffic—creating  
12 the worst traffic nightmare imaginable on the main recreational gateway to the Delta. (SCDA-104.)  
13 There is no reason why this facility has to be located here. The dumps should be outside the Delta.  
14 This is a 17 billion dollar project. If DWR has to put a major construction staging area along the  
15 tunnel route, they can pick a spot where the tunnels pass closer to Highway 5 and build a dedicated  
16 access road to the site. We should not suffer a million or more dump truck runs on our already  
17 overworked two-lane Highway 12. (SCDA-72<sup>4</sup>.)

18 Professor Brent Haddad has made the case beyond repute that WaterFix is not needed. The  
19 Delta Reform Act instructs all of us, including the State Water Resources Control Board, that “[t]he  
20 policy of the State of California is to reduce reliance on the Delta in meeting California’s future  
21 water supply needs through a statewide strategy of investing in improved regional supplies,  
22 conservation and water use efficiency.” (Water Code § 85021.)

23 That is really the end of the matter. WaterFix is highly destructive to the Delta and there are  
24 much better alternatives. Don’t build it.

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26 <sup>1</sup> SCDA-70 is a true and correct copy and accurate depiction of construction features at intakes #3  
27 and #5 and their relation to surrounding communities.

28 <sup>2</sup> SCDA-71 is a true and correct copy and accurate depiction of construction features at intake #2  
and its relation to surrounding communities.

<sup>3</sup> SCDA-73 is a true and correct copy and accurate overview depiction of construction activity.

<sup>4</sup> SCDA-72 is a true and correct copy and accurate overview depiction of construction activity.

1           **II.     WaterFix Intake Construction Unreasonably Harms Delta Legacy Communities**  
2           **And Boating in the Sacramento River and Should not be Allowed.**

3           Construction of the three intakes along the east bank of the Sacramento River between  
4           Freeport and Courtland, a few miles south of Sacramento, will be the most concentrated area of  
5           construction activity. Each of the intake structures is about 3/4 of a mile long. Construction of the  
6           intakes involves large-scale excavation activities, dewatering, moving the alignment of State  
7           Highway 160 inland several hundred yards, and large amounts of in-water pile driving to provide  
8           foundations to support the intake structures. The three intakes comprise an approximately six mile  
9           long construction zone that will include concrete batch plants, equipment staging yards, tunnel  
10          muck dump sites, fueling stations, helicopter over-flights to install new power lines, use of rock  
11          drills, dump trucks and other construction equipment. Several billion dollars worth of construction  
12          will occur in this concentrated area over seven years. Much of the construction activity will be  
13          limited to the summer months, including in-water construction and in-water pile driving. (SCDA-  
14          103<sup>5</sup>; SCDA-83<sup>6</sup>.)

15          Over 3,000 42 inch diameter steel foundation piles and 7500 sheet piles will be driven in the  
16          water at the intake construction sites. (SCDA-82<sup>7</sup>.) Acoustical Engineer Charles Salter calculates  
17          that the foundation pile driving will generate a noise of 115 dBA at fifty feet from the source. Salter  
18          also calculates that within a zone of 800 feet from the pile driving activities along the Sacramento  
19          River the sound level will be 91 dBA or more and within a zone of 1600 feet from the pile driving  
20          activities along the Sacramento river the sound level will be 85 dBA or more. (SCDA-65<sup>8</sup>.)

21          At each of the intake structures there will be a zone of very loud noise extending over a mile  
22          in length and covering the entire width of the Sacramento River. (SCDA-67; SCDA-68; SCDA-  
23          69<sup>9</sup>.) Due to proximity right next to in-water construction and barge activity, these noise zones will

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25 <sup>5</sup> SCDA-103 is a true and correct copy of excerpts from the United States National Marine Fisheries  
26 Service California WaterFix Biological Opinion describing barge routes.

27 <sup>6</sup> SCDA-83 is a true and correct copy of the Biological Assessment Appendix 3.D, Construction  
28 Schedule for the Proposed Action.

<sup>7</sup> SCDA-82 is a true and correct copy of the Biological Assessment, Appendix 3.E Pile Driving  
Assumptions for the Proposed Action.

<sup>8</sup> SCDA-65 is a true and correct copy of Delta Alliance's Testimony of Charles Salter.

<sup>9</sup> SCDA-67, SCDA-68, and SCDA-69 are true and correct copies and accurate depictions of the  
location of pile driving at the intakes and distances of noise travel.

1 also be 5 MPH boating zones. Thus, boaters who would attempt to pass the intakes during pile-  
2 driving activity would be forced to slowly pass along a zone of very loud noise.

3 In my opinion, boaters forced to pass at slow speed past this very loud noise, would very  
4 likely simply avoid this area entirely. Many boaters do not like long 5 MPH zones in the first place,  
5 and listening to painfully loud noise while being forced to slow at a formerly fast water location  
6 would add insult to injury. In my opinion, these pile driving noise zones would effectively close the  
7 Sacramento River to recreational boat traffic at the pile driving sites.

8 This pile driving will effectively blockade the Sacramento River to Boat traffic and will trap  
9 Sacramento based boaters upstream of intake #2, while trapping Delta boaters downstream of intake  
10 #5. Each summer day, hundreds, if not thousands, of boaters pass from the lower Delta past these  
11 proposed intake sites and travel upstream to recreational areas above intake 5, including Old Town  
12 Sacramento, the Sacramento Marina, the Riverbank Marina, Sherwood Harbor, and the Sacramento  
13 Yacht Club. Likewise, boaters based at these marinas travel downstream passed the intake sites to  
14 reach hundreds of recreational destinations in the lower Delta. Many boaters also launch their boats  
15 at Sacramento launch ramps, including Discovery Park, Miller Park, Garcia Bend, and others. These  
16 launch ramps, and others, have large parking lots where boaters can leave their trailers while they  
17 boat for the day. The pile driving noise blockades will cut off transit between locations upstream of  
18 the pile driving and locations downstream of the pile driving, severely limiting the Delta  
19 recreational experience. The loss of freedom to travel up and downstream will make the Northern  
20 Delta much less attractive as a boating experience and will cause many boaters to choose other non-  
21 Delta locations to do their boating, such as one of California's many recreational lakes that will not  
22 be suffering from deafening noise.

23 I find ridiculous DWR's suggestion that bank fishermen displaced from the east bank of the  
24 Sacramento River will use DWR's enhancements of the Clarksburg Fishing Access Area as a  
25 substitute fishing spot. The Clarksburg Fishing Access Area is directly across the river from the  
26 construction site and pile driving for intake #3. The fishing area will be subject to 91 dBA, as loud  
27 as the siren on an ambulance. (SCDA-68.) DWR's suggestion only confirms that DWR does not  
28 think through its planning decisions. No one will want to fish across the river from pile driving.

1 Just take a look at exhibit SCDA-70. The tiny legacy town of Hood is dwarfed by the giant  
2 construction works surrounding it; the town is sliced by a geotechnical exploration zone where well  
3 drilling rigs will march through town; a construction yard touches the town and pile driving will be  
4 heard loudly. (SCDA-65.) Next go to SCDA-71. The intake structure across the river is three times  
5 the size of Clarksburg. The library, the schools, the neighborhoods, and the marina will all be  
6 subject to extreme construction and pile driving noise. (SCDA-65.)

7 Thousands of construction workers will jam the tiny two lane roads. (SCDA-100.)

8 Quite simply, these communities will be ruined and tourism in this area will grind to a halt.

9 Engineer Rune Storesund has provided ample evidence to the Board that alternative  
10 construction methods that do not involve impact pile driving are available and feasible for intake  
11 construction. Contractor Malcolm Drilling has even provided a bid for the alternative method and  
12 expressed a desire to do the work for DWR without the noise.

13 I know DWR. Once granted a permit, they will not follow through on promises to find  
14 quieter methods. If this project is to receive a permit, which it should not, that permit should forbid  
15 impact pile driving and require the alternative method.

16 **III. WaterFix Construction Will Harm Recreation And Shutter Marinas**  
17 **Throughout The Delta.**

18 The construction related to the WaterFix Project will significantly decrease recreational  
19 quality in the Delta as a whole and will make recreation in substantial portions of the Delta  
20 untenable. The Project will have significant concentrated impacts in substantial areas of the Delta,  
21 including the location of the intakes between Freeport and Courtland on the Sacramento River  
22 discussed above, the staging and disposal areas at the Meadows Slough, Bouldin Island, and Clifton  
23 Court Forebay, the eight new barge landings, the construction impact area along the entire length of  
24 the tunnel route, and the Highway 12 corridor between Rio Vista and Highway 5. In addition to  
25 concentrated impacts listed above, the Project will have diffuse but substantial impacts throughout  
26 the rest of the Delta. Barge routes on Delta waterways, construction traffic on Delta roadways, and  
27 other diffuse negative impacts will leave almost no corner of the Delta unaffected by construction  
28 impacts.

1 I am aware of the many 5 MPH zones that will be implemented throughout the Delta  
2 because of barge traffic, barge landings, over-water geotechnical boring and other in-water  
3 construction activity. I agree that these 5 MPH zones would be needed in order to protect the safety  
4 of boaters and construction workers. Before anything else we should be sure no one gets killed by  
5 this construction project. However, well over half of the boaters who come to the Delta do so to  
6 engage in high speed water sports (wake boarding, etc.). Multiple 5 MPH zones will make it  
7 practically impossible to engage in high speed water sports because each time a boater encounters a  
8 5 MPH zone he will have to drop the skier. Multiple 5 MPH zones with shifting and unpredictable  
9 locations, as construction activity moves around the Delta, will be very frustrating to water skiers  
10 and wake boarders. In my opinion many water sports enthusiasts will stop coming to the Delta and  
11 will go instead to one of the many California lakes where they can practice their sport without  
12 numerous interruptions. In my opinion a large number of people who use the Delta for water sports  
13 will stop coming to the Delta once they experience the new 5 MPH zones, and their shifting  
14 locations, once or twice.

15 The many negative construction impacts that are spread out all over the Delta and hit  
16 particularly hard some of the favorite Delta boating and anchorage destinations combined with  
17 numerous 5 MPH zones, loud construction noise, the visibility of barges hauling tunnel muck,  
18 muddy water stirred up all along barge routes by tug boats pushing the barges, the visibility of  
19 mountains of tunnel muck piled up on Delta islands, including the huge dump and Bouldin Island,  
20 the massive delays to road traffic accessing the Delta via Highway 12, will show recreational  
21 boaters early on that the Delta is fraught with problems for the recreational boater. Trailer boaters  
22 with a choice to go elsewhere will simply switch their boating activities to other locations. Why  
23 would a family with limited time and the desire to take their trailer boat out for the day choose the  
24 Delta when that means fighting traffic snarls on Highway 12, putting up with numerous shifting 5  
25 MPH zones that interfere with their high speed water sports, suffering loud noise from pile driving  
26 and other construction activities, and facing blockages on their chosen routes when they can simply  
27 decide to boat somewhere else where all of these problems do not exist? The answer is that they  
28 would not choose the Delta and would do their boating elsewhere.

1 I have been around DWR for many years and don't believe their promises about getting  
2 things done on time. They say the tunnel project will take about eleven years. Huh! More like 20 or  
3 30 years. This is a huge project and no one knows what they are going to run into 150 feet  
4 underground. The DWR schedule is no more than a guess. I have no more reason to believe DWR  
5 when they say eleven years than I have to believe them about anything else. They never keep their  
6 promises and I don't think they could get this project done this quickly even if they tried. Twenty  
7 years minimum, in my opinion. Maybe a lot more. It wouldn't surprise me at all if DWR went out  
8 there and made a huge mess with tunnel machines, got them all stuck, and never finished the  
9 project. That is my opinion based on decades of experience in the Delta and with DWR.

10 **IV. Conclusion: Don't Allow WaterFix to be Built in the Delta; If it is to be Built,**  
11 **DWR and the Water Users Should Bear the True Cost.**

12 There is no doubt that WaterFix will have strike a heavy blow to recreation in the Delta,  
13 particularly recreational navigation, and DWR admits as much. On the other side of the equation,  
14 there is much DWR could do to lessen the blow: move the muck dumps out of the Delta; use the  
15 quitter foundation method without pile driving; place major staging areas closer to Highway 5 and  
16 build dedicated access roads so you don't clog our tiny Delta roadways. If these measures are "too  
17 expensive" then the Project isn't worth doing. There is a cost to be borne. DWR wants to shift that  
18 cost to the Delta recreation industry and recreational boaters. Why should we pay for your project?  
19 Let those who benefit pay the true cost, which includes the steps outlined above, which are  
20 reasonable and prudent means of protecting the public interest.

21 Better yet, do as the Delta Reform Act commands and develop local and regional supplies to  
22 reduce reliance on the Delta so WaterFix will not be needed in the first place.

23 Exhibit SCDA-152<sup>10</sup> is Hall Schell's famous book, Dawdling on the Delta. This is the  
24 masterwork on the Delta as place and a must read for anyone interested in what the Delta is about. I  
25 doubt that DWR's EIR consultants even know of its existence. If you take a look, you will see that  
26 the Delta is a place of quiet and wonderful disorganization. DWR wants to re-organize the Delta,  
27 make it tame and controlled with 5 MPH signs, and warnings to boaters about when and where they

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<sup>10</sup> SCDA-152 is a true and correct copy of Hal Schell, Dawdling on the Delta.

1 can and should boat so as not to get fouled in construction activity. The WaterFix is loud and  
2 obnoxious. And with it comes the line up and march command of the construction battalion. It is not  
3 compatible with the Delta.

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10 Executed this 30<sup>th</sup> day of November at Rio Vista, California,

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Bill Wells

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